



Image

1652

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Practitioner's Docket No. MBIO99-030CP2M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barnes, Thomas M., et al. (as amended)  
Application No.: 10/042431 Group No.: 1652  
Filed: October 25, 2001 Examiner: Nashed, Nashaat T.  
For: NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC,  
PREVENTIVE, THERAPEUTIC, AND OTHER USES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith for this application is/are:
  - a. This Transmittal (3 pages in duplicate);
  - b. Associate Power of Attorney (2 pages) and Appendix A - Statement of Limited Recognition under 37 CFR §10.9(b) for Mario Cloutier (1 page);
  - c. Response to Restriction Requirement (4 pages);
  - d. Second Preliminary Amendment (9 pages);
  - e. Amendment and Processing Fee Deleting Correctly Named Person(s) Who Are Not Inventor(s) of Invention Now Being Claimed (3 pages in duplicate);
  - f. Statement of Limited Recognition under 37 CFR §10.9 (b) for Mario Cloutier (1 page);
  - g. Return Postcard.

STATUS

2. Applicant is other than a small entity.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee" Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

Date: 26 January 2004

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**PETITION FOR EXTENSION OF TIME**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(3)) for a \_\_\_\_\_ month extension:

Fee: \$0

Extension fee due with this request \$0

If an additional extension of time is required, please consider this a petition therefor.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee
Total	24	Minus	34	=	0	\$18.00 = \$0.00
Indep.	4	Minus	3	=	1	\$86.00 = \$86.00
First Presentation of Multiple Dependent Claims			0			\$290.00 = \$0.00
					Total Addit. Fee	\$86.00

Total additional fee for claims required \$86.00

**FEE PAYMENT**

5. Charge Account No. 501668 the sum of \$86.00 (which includes the \$0 extension fee and the \$86.00 additional fee for claims). A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6. If any additional extension and/or fee is required, charge Account No. 501668.  
If any additional fee for claims is required, charge Account No. 501668.

Practitioner's Docket No. MBIO99-030CP2M

7. Correspondence Address

Direct all future correspondence to:

Customer Number 30405

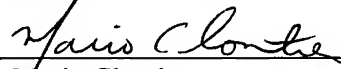
OR

Intellectual Property Department  
MILLENNIUM PHARMACEUTICALS, INC.  
40 Landsdowne Street  
Cambridge, MA 02139

26 January 2004

MILLENNIUM PHARMACEUTICALS, INC.

By



Mario Cloutier

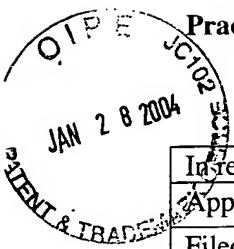
Limited Recognition Under 37 C.F.R. §10.9(b)

40 Landsdowne Street

Cambridge, MA 02139

Telephone – (617) 577-3522

Facsimile – (617) 551-8820



Practitioner's Docket No. MBIO99-030CP2M (formerly 10147-6U2)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	Barnes, Thomas M., et al. (as amended)		
Application No.:	10/042,431	Group No.:	1652
Filed:	October 25, 2001	Examiner:	Nashed, Nashaat T.
For:	NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND PROCESSING FEE DELETING CORRECTLY  
NAMED PERSON(S) WHO ARE NOT INVENTOR(S)  
OF INVENTION NOW BEING CLAIMED  
--NONPROVISIONAL APPLICATION  
(37 C.F.R. SECTION 1.48(b))**

1. This amendment under 37 C.F.R. Section 1.48(b) is to delete the names of the following persons named as inventors and who are not the inventors of the invention now being claimed:

Sean A. McCarthy  
Christopher C. Fraser

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**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***


I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. SECTION 1.8(a)**
- ☒ with sufficient postage as first class mail.
- ☐ as "Express Mail Post Office to Addressee"  
**37 C.F.R. SECTION 1.10\***  
Mailing Label No.

**TRANSMISSION**

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Signature

Date: January 26, 2004

Sean Hunziker

(type or print name of person certifying)

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**2. Claim(s) Now on File**

The claim(s) in this application are as follows:

*(check and complete all applicable items)*

- ☐ originally filed claim(s) \_\_\_\_\_.
- ☐ originally filed claim(s) \_\_\_\_\_,  
as amended on \_\_\_\_\_.
- ☒ claim(s) 52-75  
as amended on January 26, 2004.
- ☐ claim(s) \_\_\_\_\_ filed on \_\_\_\_\_,  
as amended on \_\_\_\_\_.

**3. Status of Inventorship After Amendment**

*(check the following item if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed)*

- ☐ Below is an explanation of the facts, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

**4. Remarks**

The presently pending claims of the instant application relate to a method for identifying a compound that binds to or modulates the activity of the polypeptide of SEQ ID NOs:47 and 49 (TANGO294). This TANGO294 molecule was cloned and annotated by Thomas M. Barnes and John D. Sharp and as such, Thomas M. Barnes and John D. Sharp are the inventors for the presently claimed invention. Sean A. McCarthy and Christopher C. Fraser, while correctly named inventors on the application as filed, contributed to inventions no longer claimed in the present application. Therefore, in light of these facts, a correction of inventorship is required to delete Sean A. McCarthy and Christopher C. Fraser as inventors of the invention now being claimed. Entry of the amendment is respectfully requested prior to allowance of the present application.

**5. Fee (37 C.F.R. Section 1.17(i))**

The processing fee required by is paid as follows:

☐ Enclosed is a check for \$130.00.

☒ Charge Account 501668 for any fee deficiency.

☒ Charge Account 501668 the sum of \$130.00.

<u>January 26, 2004</u>	MILLENNIUM PHARMACEUTICALS, INC. By <u><i>Mario Cloutier</i></u> Mario Cloutier Limited Recognition Under 37 C.F.R. §10.9(b) 40 Landsdowne Street Cambridge, MA 02139 Telephone – (617) 577-3522 Facsimile – (617) 551-8820
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